

REMARKS

Applicant thanks Examiner Epperson and Examiner Celsa for the courtesies extended to Applicant's representative at the March 12, 2003 interview. At that interview, Applicant's representative reiterated that claim 1 was previously amended to claim a cell with "two opposing walls comprising permeable polycarbonate film. This limitation was previously found in claim 15, which was not rejected over prior art. See the July 31, 2002 Office Action. Hence, claim 1 should distinguish the prior art. Applicant's separate record of the further substance of the interview is incorporated into the following remarks.

Claims 1 to 7, 10 and 16 are pending. Reconsideration and allowance of claims 1 to 7, 10 and 16 are respectfully requested for the following reasons:

Claims 1 to 7, 10 to 11 and 16 were rejected under U.S.C. §112, first paragraph (first 112 first paragraph rejection) and claims 1 to 7, 10 to 12 and 16 were rejected under U.S.C. §112, first paragraph (second 112 first paragraph rejection).

I. CLAIM REJECTIONS UNDER U.S.C. §112, FIRST PARAGRAPH

The February 21, 2003 Advisory Action states that "Applicant's proposed amendment would overcome the 112 1st paragraph rejection. Hence, this rejection should be withdrawn with the filing of the March 7 RCE that requested consideration of Applicant's January 24, 2003 Amendment after Final Rejection.

II. CLAIMS REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

In response to Applicant's January 24, 2003 Amendment after Final Rejection , the PTO stated that "Applicants have not amended the specification to overcome the 35 U.S.C. §112, second paragraph rejections...." However, amendment of the specification is not necessary since the meanings of the terms "reactor plate," "substrate," "reaction cells" and "substrate with an array of reaction cells" are already provided by definition, example and depiction in the drawings. See the specification page 2, lines 19 to 25, page 4, lines 6 to 26 with reference to the drawings, page 8, lines 1 to 12 and the drawings,

FIGs. 1 to 5. Additionally, the terms “reactor plate,” “substrate,” “reaction cells” and “substrate with an array of reaction cells” are well-known terms in the combinatorial art. See for example, Cherukuri et al., 5,980,704.

Similarly, the term “substrate” is well known. Again, see Cherukuri et al., 5,980,704. The specification shows examples of “supporting substrate(s)” in the drawings. A “substrate” is known as a “substratum,” which is an “underlying support : FOUNDATION,” Merriam-Webster’s Collegiate Dictionary, 10th Ed., p. 1174 (1993). A quick search of the PTO patent data base reveals thousands of patents that use the term in the context of combinatorial chemistry.

Similarly, the terms “reaction cells” and “array” and “substrate with an array of reaction cells” are well known in the combinatorial art. See Cherukuri et al., 6,331,439, Cherukuri et al., 5,980,704 and Cherukuri et al., 5,603,351. Similarly, “reaction cells” and “substrate with an array of reaction cells” are defined in the specification with reference to the drawings.

For the above reasons and the amendments and reasons in Applicant’s January 24 Amendment after Final Rejection, the rejection of claims 1 to 7, 10 to 12 and 16 under U.S.C. §112, second paragraph should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1 to 7, 10 and 16 are allowable. Reconsideration and allowance are requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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